



PROGRESS NOTES

PHYSICAL THERAPY BOARD OF CALIFORNIA

◆ Winter 2017

INSIDE THIS EDITION

President's Message.....	1
Mission Statement.....	2
Board Meetings.....	3
Board Members.....	3
Executive Staff.....	3
Board Outreach.....	4
Exam Day Memories.....	5
FSBPT Award Winner.....	6
Remembering Sara Takii.....	7
Expedited Licensing and Renewals for Veterans and Their Families.....	8
Continuing Competency.....	9
Filing an Application for Licensure.....	10
New Online License Search Tool.....	11
License Verification.....	11
License and DUI or Drug-Related Offense.....	12
Being a Board Member.....	13
Informed Consent.....	14
Laws and Regulations Update.....	16
Administrative Actions.....	18
Budget Highlights.....	22



PRESIDENT'S MESSAGE

Alicia Rabena-Amen, P.T., DPT



Greetings! It's been some time since the release of our last newsletter, yet the Physical Therapy Board of California (Board) has remained busy. The Governor's Office has been mindful to keep all Board positions filled, and the Board has been fortunate to have had a full Board of four physical therapists and three public members since before I was first appointed in 2014. Having a full board, with members from diverse work settings, backgrounds, and experiences, offers collaboration between varying viewpoints that come together in decisions that can most benefit California consumers.

(President's Message continued on page 2)

(President's Message, continued from page 1)

What hasn't changed in three years? First and foremost is our mandate for public protection. The Board reviews and votes on administrative decisions after the completion of a formal investigation and, at most Board meetings, we hear Petitions for Reinstatement and Petitions for Modification or Early Termination of Probation before an Administrative Law Judge. At meetings, we also listen to and consider reports from staff who work daily to process licensing and renewal applications, process complaints and investigate cases, monitor the budget, review continuing education documentation for compliance, and reach out to licensees and applicants. Another ongoing Board member duty is participation in developing proposed language for new laws and regulations.

Although the Board may not advocate for the profession, the California Physical Therapy Association is a valuable partner who represents our licensees at every Board meeting. As a licensee, you are also invited to attend and participate. Please check out our website (www.ptbc.ca.gov) to attend an upcoming meeting or watch our webcast.

What's new? If you've renewed your license recently, you will have experienced BreZE, which is the new, preferred way to process your application online. I used BreZE in early June and was pleasantly surprised to receive my wallet license in just one week! With our world continually going paperless, the ease and efficiency of renewing online is a great convenience for our licensees. If you haven't yet used

BreZE, you can go online and create your account now. Even if it's not yet time to renew, I invite you to navigate around and see all that BreZE offers.

You probably also noticed that renewal fees have increased, both for physical therapists and physical therapist assistants. Raising fees is not taken lightly and can be a difficult decision to make. As reserves became low, the thought of insolvency manifested. The new increase in budget funds will allow the Board to enhance and create efficiencies. One example is the Board's ability to once again issue newsletters, such as this. It is my hope that consumers and licensees alike will recognize improvements each year.

The Board also participated in its sunset review process in February. All Board members, Board legal counsel, and many staff members worked numerous hours over a six-month period to prepare our report for the Senate Business, Professions and Economic Development Committee (Committee). Our time before the Committee only lasted about a half hour—a good sign that the time spent preparing was fruitful. The Governor signed the Board's sunset bill (AB 1706) on October 3, 2017, extending the operation of the Board to January 1, 2022.

In closing, I'd like to highlight that, although our first duty is public protection, we also serve our licensees; hence, our newsletter. I hope our newsletters will help keep you informed of important issues and regulatory changes.

Have a wonderful winter season!

MISSION STATEMENT

The mission of the Physical Therapy Board of California is to advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.



BOARD MEETINGS: WATCH FOR US

Board meetings are held throughout California to give the public and licensees the opportunity to attend. Information regarding dates, locations, and agendas for Board meetings are posted on the Board website (www.ptbc.ca.gov) at least 10 days prior to the meeting dates.

The Board convenes in public meetings to conduct the business of the Board, make regulatory and enforcement decisions, and to address other issues within its jurisdiction.

Continuing competency hours may be awarded for attending Board

meetings in person to encourage physical therapists and physical therapist assistants to learn more about the issues and operations of the Board.

Can't attend a meeting? While you won't receive continuing competency credit, you can still view the meeting actions via webcast. Follow the Board

on Facebook and Twitter, and receive notifications and a link to gain access on the meeting day.



PTBC BOARD MEMBERS

President

Alicia Rabena-Amen, PT., DPT

Vice President

TJ Watkins, MBA

Debra Alviso, PT., DPT, OCS
Jesus Dominguez, Ph.D., PT.
Daniel Drummer, PT., DPT
Katarina Eleby, M.A.
Tonia McMillian

Executive Officer

Jason Kaiser

Manager

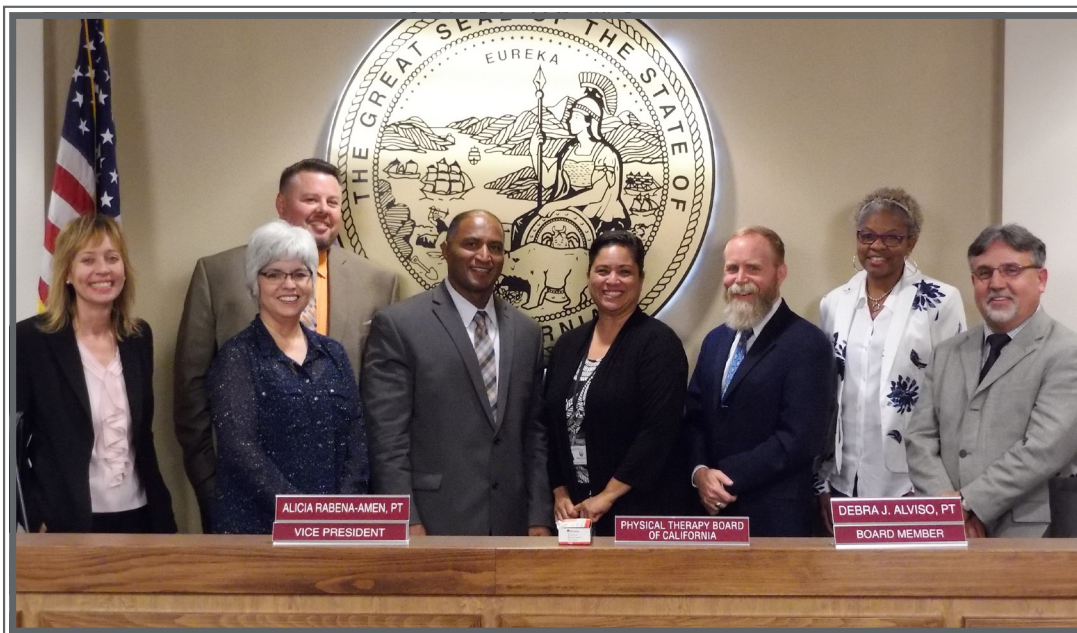
Sarah Conley
Application
and License
Maintenance
Services Program

Manager

Liz Constancio
Administrative Services
Program

Manager

Elsa Ybarra
Consumer Protection
Services Program

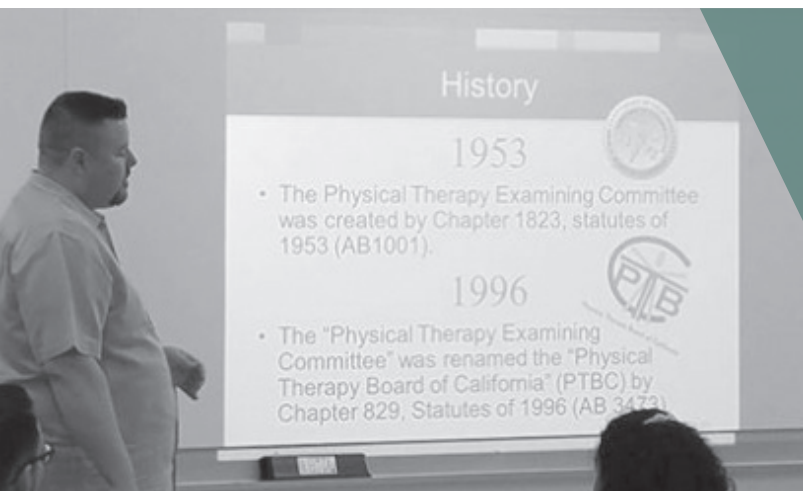


From left to right: Tara Welch, Legal Counsel; Jason Kaiser, Executive Officer (in back); Debra Alviso, PT., DPT, OCS; TJ Watkins; Alicia Rabena-Amen, PT., DPT; Daniel Drummer, PT., DPT; Tonia McMillian; and, Jesus Dominguez, Ph.D., PT. Absent from picture: Katarina Eleby, M.A.

BOARD OUTREACH

The Physical Therapy Board of California (Board) continues its outreach to its licensees and consumers. As part of this effort, Board representatives are available to give presentations on specific topics of interest, including the application process or pertinent laws and regulations.

If you would like a Board representative to present at your school or organization, email ptbc@dca.ca.gov to submit your request, and include the location, date, and topic of interest.



At left: Jason Kaiser, Physical Therapy Board of California Executive Officer, discusses the history and purpose of the Physical Therapy Board of California at the California Student Conclave event.



At right: Sarah Conley, Manager of the Physical Therapy Board of California's Application and License Maintenance Services Program, presents at the 2017 California Student Conclave event at California State University (CSU), Fresno, in April. Her presentation was regarding the application and examination process for physical therapists and physical therapist assistants.

Go Green!

Subscribe to the Physical Therapy Board of California's newsletter, *Progress Notes*, at www.ptbc.ca.gov.

Click on "Join Our E-mail List" on the home page under "Quick Hits," or go to www.dca.ca.gov/webapps/ptbc/interested_parties.php and submit your email address. You can also follow the Board on Facebook, Twitter, YouTube, and LinkedIn.



EXAM DAY MEMORIES

Debra Alviso, P.T., DPT, OCS



*Exam day
photo, 2/3/87*

I could not take my exam with the rest of my class because of a delay in completing my internship.

I began working as a license-applicant at an orthopedic outpatient clinic in Fresno. Shortly before I took the exam, Dr. Stanley Paris was in the clinic visiting the practice partners. I was honored to be introduced to such an icon at the dawn of my career. When I shared with him that my license exam was soon, Dr. Paris wisely advised that the primary purpose of the exam was to assess safety in treating patients. Somehow that helped. I didn't have to know everything, I needed to be safe.

At the time—1987—the exam was still administered in paper and pencil and held on a limited number of dates each year. My exam was

in Los Angeles at the Ambassador Hotel. I tried not to think that it was some omen that this was the site of the Robert F. Kennedy assassination in 1968. I was actually in awe of the hotel's history.

My biggest memory of exam day is of how long it was. As I reflect, I realize my exam experience, though delayed, was perfect. Dr. Paris reminded me that safety is a paramount element of practice. Also, my own historic day toward entering the profession took place in a historic hotel ballroom.

Jesus Domínguez, P.T., Ph.D.



*Exam day
photo, 11/2/88*

I remember taking my boards at the old

Ambassador Hotel in Los Angeles in 1988 after graduating with an MPT [master of physical therapy] from the University of Southern California. No doubt, I was nervous before walking through the hotel lobby to my designated

testing area in one of the hotel's ballrooms. If I recall correctly, we had to submit a passport-sized photo of ourselves with our application to sit for the exam and, on that day, we had to bring our photo ID to verify our identity before taking our seats. I had never felt tension like that before, which was generated by a room full of recent physical therapy school graduates, sitting in rows with No. 2 pencils pressed firmly against paper to fill in bubbles on Scantron forms. I left that room, after what seemed like an eternity, not knowing how I did. A feeling I'm sure I shared with most of the students present that day! The following Monday, I returned to the clinic wondering if I would have a license to practice after all. A week later, my anxiety was finally relieved when I got that big envelope in the mail from the Board of Medical Quality Assurance containing my license to practice in California. A great day indeed!

Daniel Drummer, P.T., DPT



*Exam day
photo, 11/9/94*

I received my physical therapy education from

Thomas Jefferson University in Philadelphia and graduated in 1994. I sat for the licensing exam in the early summer, as did many of my classmates. The exam was only offered in Harrisburg, Pennsylvania, a little more than 100 miles away. Several of us traveled the night before and stayed in motel rooms so we wouldn't have to drive on the morning of the exam. Around 250 new graduates took the exam that day in a few large classrooms on a small college campus. The only thing we could bring to the exam was a supply of No. 2 pencils.

At the time, Pennsylvania didn't require a jurisprudence exam. My experience with being tested on laws and regulations came about a year later when I applied

(continued on page 6)

for a physical therapist license in California. I could complete the application, and even get fingerprinted, while still living and working in Philadelphia, but I had to travel to Sacramento with my No. 2 pencils to take the jurisprudence exam. I coordinated an interview vacation in San Francisco with the date of the exam, and reviewed the 1995 version of the *Study Guide for the Examination on the Laws & Regulations Governing the Practice of Physical Therapy* (in California) that was mailed to me. I still have that copy with my wall license. It's amazing how much has changed since then.

I remember there were about 15 of us who took the exam that day and I was recognized as having traveled the farthest. It seemed I finished far too quickly, and it was hardly worth the cost of the rental car and gasoline that it took to get there. But when I received my license about 45 days later, followed by a job offer, I knew it was all worth it.



Exam day
photo, 1/26/98

**Alicia
Rabena-
Amen, P.T.,
DPT**

I remember mailing my application and check to the Physical Therapy Examining Committee (PTEC). It was

late in the year of 1998 when I entered the testing center in Sacramento to take the Physical Therapy Examination. I arrived with my California driver license and that's it; pencils were provided and cell phones weren't carried around like an appendage in those days.

The room was large, with seats for about 40 people, but there were only a few of us that day. There was neither fixed date testing back then nor as many physical therapy schools in our state. I had prepared by studying my school notes and textbooks. I finished the exam in less than three hours and had to wait another hour before taking the California Law

Examination.

In physical therapy school at Mount St. Mary's College, we were given a thin, stapled booklet with a yellow jacket that covered the laws at the time. It was fairly easy to read and study. I remember leaving the testing center wondering if I passed either exam.

I waited about six weeks for my results from PTEC and was so happy to have passed on the first attempt! No longer did I have to sign my notes as a PTLA (physical therapist licensing applicant). I was officially a licensed physical therapist in the state of California!

FSBPT Award Winner Floris Van de Ven



We'd like to congratulate California's very own Floris Van de Ven, P.T., DPT, MHA. Floris was inducted into the Federation of State Boards of Physical Therapy's (FSBPT's) Academy of Advanced Item Writers. As an FSBPT award recipient, Floris is being recognized for his significant achievements and contributions to item writing for the National Physical Therapy Examination.

Floris studied entry-level physical therapy from SAFA Professional School in Amsterdam, received his master's degree in health administration from Chapman University, in Orange, CA, and his doctorate degree in physical

therapy from Pacific University, in Oregon. Licensed for almost 35 years, he enjoys general practice physical therapy, acute care/ internal medicine, and geriatrics.

Working as a physical therapist, Floris says the most rewarding part of his job is being able to guide patients back to independence. He also enjoys volunteering for FSBPT and teaching physical therapy at California State University, Sacramento, and at Pacific University. His goal is to be a fully rounded general practice physical therapist and clinical instructor of students.

Congratulations on your achievements, Floris!

REMEMBERING SARA TAKII, P.T., DPT

BY DEBRA ALVISO, BOARD MEMBER COLLEAGUE OF DR. TAKII



Sara Takii and Scarlet. Courtesy of Bruce Takii.

The Physical Therapy Board of California (PTBC) is sad to share the loss of former Board member Sara Takii. Sara passed away peacefully in October 2015 after an illness in the few months prior. Although we are greatly saddened by this loss, our fond memories of Sara's joy and love of life ease the pain. In fact, a smile quickly comes as we think of everything that was Sara.

Sara was a Board member from 2006 to 2014, and was a good fit for Board work. If you met Sara, you had a friend. She was consistent and genuine—someone truly herself wherever she went.

We would like to share a little about her life by reflecting on a few traits of a Board member.

Step out of your comfort zone. To apply for and accept appointment requires a willingness to step out of your comfort zone. Sara did this in 2006 when she applied for and was appointed to PTBC by Governor Schwarzenegger.

In her personal life, Sara was constantly “stepping out”—she had a long career of stage performing in musicals, a choir, and her beloved musical trio, The Lollipops.

Be willing to serve. As a Board member, Sara was willing to serve. She was quick to volunteer for any task force or committee needed. She served as PTBC President and was active in the Federation of State Boards of Physical Therapy.

Outside of PTBC, Sara was always active in her community. Her service began as a collegiate diver, synchronized swimmer, and cheerleader at the Ohio State University. She fondly recalled cheering on Woody Hayes' Buckeyes, and her pride in Ohio was lifelong. But this was only the beginning. It was at Ohio

State that Sara received her degree in physical therapy and began to serve her community with more than 50 years of service as a physical therapist.

Speaking of Ohio, if you were wearing scarlet red (or any color close to red), the conversation would circle around to Ohio State and would likely include a rendition of the Ohio fight song.

In the Bakersfield area, Sara was a past president of the Bakersfield Republican Women Federated. This group founded the Sara Takii Scholarship in her honor.

Continue to grow. A Board member is challenged to grow and to examine their long-held beliefs. They must be open to learning the details and nuances of the issues before the Board. This requires a commitment to growth, and this was easy for Sara.

People who knew her would agree, Sara was always growing, always moving. There are many examples of this, but education is a fitting one to share. After her degree in physical therapy from Ohio State University, Sara went on to earn her master's degree in public policy and administration from Long Beach State University. After 46 years of practice, she continued this lifelong growth by completing her transitional doctorate from Temple University in 2009.

Be bold and courageous. As a Board member, Sara was willing to ask the difficult questions. She was willing to debate and explore all sides of an issue, always with the consumer in the forefront of her concern. She was someone you wanted in your corner and, for her time on the Board, the consumers of California had her caring for their concerns.

Sara was bold and courageous in all she did. This was even evident in Sara's illness. She was hopeful and boldly took each step of the plan outlined by her physicians.

In our carpools to various Board meetings, we spent many hours in the car conversing. Sara deeply loved her three children, two grandchildren, and her husband, Bruce. She was so proud of her family and was in awe of their abilities, accomplishments, and characters.

Sara was an amazing person. She was bold and courageous, and this made it possible for her to serve and grow. It turns out that some of these traits also make for a great Board member. The PTBC family is fortunate to have been among those touched by her unforgettable spirit.



Military members and families, we thank you for your service and commitment. Now here's how **we** can help you.

EXPEDITED LICENSING AND RENEWALS FOR VETERANS AND THEIR FAMILIES

Expedited Initial Licensure Application

If you served as an active duty member of the Armed Forces of the United States and were honorably discharged, you may qualify for expedited licensure application processing, pursuant to California Business and Professions Code (BPC) section 115.4. Please supply satisfactory evidence of the foregoing with your licensure application.

If you meet both of the following requirements, you may qualify for expedited licensure application processing pursuant to California BPC section 115.5:

- (1) You are married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military order, and
- (2) You hold a current license in another state, district, or territory of the United States.

Please supply satisfactory evidence of the foregoing with your licensure application.

Licensure Renewal

If you are a licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard, you may qualify for a waiver of license renewal fees, continuing education requirements, and other renewal requirements as determined by the Physical Therapy Board of California (Board). To qualify, the requirements are:

- (1) The licensee or registrant possessed a current and valid license with the Board at the time he or she was called to active duty,
- (2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service, and
- (3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the Board.

Pursuant to BPC section 114.3, you have two license status options when requesting a license renewal waiver: (1) military–inactive or (2) military–active. Military–inactive status does not permit the licensee or registrant to engage in any activities requiring a license during the period that the waiver provided by this section is in effect. Military–active permits practice during the period that the waiver provided by this section is in effect, but prohibits private practice of any type. Be sure to specify which status you are requesting when you submit your waiver request.

The Board wants to help make your transition to California as smooth as possible. If you have any questions, call the Board's Application Services unit at (916) 561-8213 or Licensing Services unit at (916) 561-8228.

CONTINUING COMPETENCY

If I haven't satisfied all my continuing competency requirements in time for renewal, what can I do?

If you are unable to comply with the continuing competency requirements by the time of renewal, you may renew your license in inactive status. Renewing your license in inactive status does not require completion of continuing competency requirements, but you are not permitted to work. Upon completion of the continuing competency requirements, you may request that your license status be changed to active status by submitting the Inactive to Active License Status application.

In no case shall you certify on your renewal that you comply with the continuing competency requirements and renew your license in active status if you did not comply with the continuing competency requirements. When completing your renewal, you are certifying under penalty of perjury that the information is true and correct, so you do not want to certify false information.



The result of failing to comply with the continuing competency requirements is dependent upon the audit case; each case is individually assessed to consider the specific circumstances of the situation. There is a wide range of action the Physical Therapy Board of California (PTBC) may take for noncompliance; however, PTBC's primary goal is to educate on and facilitate compliance with the continuing competency requirements. Continuing competency is a preventative consumer protection measure; therefore, PTBC would like compliance rather than an enforcement action whenever possible.

Here are two examples of the range of action and how each situation may be approached: (1) If you certify you comply, but PTBC determines in an audit that you are not, PTBC may provide you with an opportunity to fulfill the identified deficiencies and come into compliance. (2) Situations such as not responding to PTBC's audit requests or failure to complete any continuing competency will likely be referred for enforcement action.

To ensure you comply with the continuing competency requirements, visit PTBC's website at www.ptbc.ca.gov/licensees/cont_comp.shtml.

Do we have your email address?

As of January 1, 2014, licensees are required to provide the Physical Therapy Board of California (Board) with an email address, if the licensee has one. Email notifications are an efficient way for sharing information between the Board and its applicants and licensees.

Using email, the Board can rapidly communicate regarding the status of applications, renewals, and requests for various Board services; provide law and regulation updates; and disseminate important Board news directly to each applicant and licensee—from the Board to your email inbox. It doesn't get much easier!

Also, using the Department of Consumer Affairs' BreZE online services system, email is the standard method of communication. You can submit your email address through BreZE (www.breeze.ca.gov) or the Request for Address Change form, which can be downloaded at www.ptbc.ca.gov/forms/index.shtml. You may also submit your email address in writing to the Board—please include your name and license number. Our address is 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815.

DO'S AND DON'TS WHEN FILING AN APPLICATION FOR LICENSURE

Do's

- ▶ Do check application and examination deadlines on the Physical Therapy Board of California's (PTBC's) website at www.ptbc.ca.gov.
- ▶ Do apply online through BreEZe at www.breeze.ca.gov.
- ▶ Do upload all supporting documents to your online application; e.g., photo, fingerprint Live Scan, and resumé (if applying by endorsement).
- ▶ Do remember a Certificate of Completion (P1E) is required for all graduates from an accredited physical therapist/physical therapist assistant program.
- ▶ Do complete and mail the Disability Accommodation Request for Examination form (D1) if requesting special accommodations for the exams. Form must be signed by applicant and evaluator.
- ▶ Do register and pay for the National Physical Therapy Examination (NPTE) and California Law Examination (CLE) at the Federation of State Boards of Physical Therapy's (FSBPT's) website (www.fsbpt.org). Already passed the NPTE? Request an NPTE score transfer from FSBPT.
- ▶ Do take the CLE prior to applying or while application is being reviewed by PTBC. A CLE passing score is valid for one year from the date of the exam.
- ▶ Do use the *California Laws and Regulations Related to the Practice of Physical Therapy* reference guide available on the PTBC's website at www.ptbc.ca.gov/forms/law_reference_guide.pdf.
- ▶ Do mail your credential evaluation (P1F/P1G) completed by one of the PTBC's approved credential evaluation agencies if you graduated from a nonaccredited physical therapy program located outside the United States.
- ▶ Do achieve the PTBC-established minimum passing score on the Test of English as a Foreign Language (TOEFL) in one sitting if you graduated from a nonaccredited physical therapy program located outside the United States.

Don'ts

- ▶ Don't forget to submit payment when applying online. Applications are not considered received until payment is processed.
- ▶ Don't forget to disclose any criminal history on your application and provide supporting documents.
- ▶ Don't forget to disclose all current and expired licenses on your application.
- ▶ Don't submit license verifications from other state boards, unless requested by PTBC. PTBC will retrieve them from each jurisdiction's website.
- ▶ Don't call to verify receipt of documents. Please mail your documents by certified mail.
- ▶ Don't call PTBC to obtain exam scores. Exam results are available for 15 days from the exam date on the FSBPT's website (www.fsbpt.org).
- ▶ Don't confuse your Authorization to Test (ATT) letter with License Applicant Status (physical therapist license applicant [PTLA]/physical therapist assistant license applicant [PTALA]) letter. The ATT is issued by the FSBPT and allows you to schedule your exam. The PTLA/PTALA letter is issued by PTBC and allows you to work pending the results of the NPTE.
- ▶ Don't call to check on your application status if it hasn't been 30 days from the date the application was submitted.



NEW ONLINE LICENSE SEARCH TOOL

The Department of Consumer Affairs' (DCA's) Office of Information Services (OIS) launched DCA License Search, an online license search tool that replaces the existing BreEZe license search.

Some of the features of this enhanced online tool include:

- New, modern look and functionality
- Fast, real-time search results
- Dynamic advanced searches
- Ability to filter searches for more refined results
- More information provided on initial results
- Phonetic searching, which returns results that sound similar to the searched name
- Mobile-friendly
- Full, functional application programming interface



This new search tool was created by a group of talented developers in OIS. In 2018, OIS will expand this new search tool to the Consumer Affairs System to replace the existing Web license look-up.

The development team would like to thank all the boards and bureaus participating in BreEZe and OIS staff for assistance with the extensive testing needed to get this project off the ground!

Check out the new search tool at <http://search.dca.ca.gov>.

LICENSE VERIFICATION



Attention, employers: Are you sure your physical therapist or physical therapist assistant employee has a valid license?

Having a copy of the pocket license is the most reliable way to ensure the licensee can legally practice, right? Wrong.

Just like many things in our fast-paced world, a licensee's license status can change at any given time, even after the pocket license has been issued. Licensees can move from inactive to active status or have administrative action taken for violations of the Physical Therapy Practice Act any time between renewals—not just at license expiration. Therefore,

the pocket license provided to the employer may not reflect the licensee's current license status. Moreover, even though a licensee may judiciously submit a completed renewal application and it is processed in a timely manner, address and mail service issues can delay or even prevent a licensee from ever receiving the pocket license.

Verify license status using the Department of Consumer Affairs' online tool, DCA License Search, at <http://search.dca.ca.gov>. The online information is updated instantaneously and continuously, so you will have the most current available.

Don't delay, verify **online** today!

YOUR LICENSE AND A DUI OR DRUG-RELATED OFFENSE



The Physical Therapy Board of California (PTBC) considers a DUI, or drug-related offense, to be substantially related to the practice of physical therapy. The offense constitutes unprofessional conduct and may be grounds for disciplinary action against your license to practice. You may ask, “How does a DUI, or drug-related offense, relate to my practice?” You might think that because a DUI, or drug-related offense, usually occurs during off-time hours of work and does not involve patient care, it should not affect the license to practice physical therapy.

However, it can. Community standards demand that physical therapists and physical therapist assistants exhibit characteristics and actions that

demonstrate that he or she exercises prudence and good judgment. Therefore, driving under the influence of alcohol, or a drug-related offense, is substantially related to the practice of physical therapy as it demonstrates a lack of good judgment and a lack of respect for the laws. Another consideration is the DUI charge may result in an arrest and possible detention for days, which could lead to patient abandonment or reassignment, disrupting a patient’s treatment and plan of care.

To determine the level of disciplinary action, PTBC reviews arrest records, court records, and the licensee’s written response to the circumstances surrounding the event. Upon final review of all information gathered,

a determination will be made as to the level of disciplinary action, or if an administrative citation will be issued.

The administrative process is lengthy and can be costly to the licensee, both pre-discipline and post-discipline. Disciplinary actions based on a DUI, or a drug-related offense, include terms and conditions that place stringent restrictions on the licensee to practice. They will require the licensee to enter Maximus, the PTBC-contracted substance abuse rehabilitation program. They will also require the licensee to pay the entire cost of the program, which is high. The monthly average cost for a participant is \$1,300 per month.

It is not the intent of PTBC to be punitive; however, PTBC is

Diversion Hotline

Do you know a physical therapist or physical therapist assistant who is struggling with a drug or alcohol problem? Do you have a problem?

If so, the Physical Therapy Board of California (PTBC) has a voluntary and confidential program to help licensees overcome the disease of addiction. Just pick up the phone and call Maximus Inc. at (800) 522-9198.

For more information regarding Maximus, refer to the PTBC’s website at www.ptbc.ca.gov.

statutorily charged with enforcement of the Physical Therapy Practice Act. Business and Professions Code section 2602.1 states, “Protection of the public shall be the highest priority of the Physical Therapy Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

BEING A BOARD MEMBER FOR PTBC

BY ALICIA RABENA-AMEN, P.T., DPT

What is the Physical Therapy Board of California (PTBC/Board)? What do they do? What are the duties of a Board member?

When I received a call from Governor Brown's office in 2014 to interview to be a Board member, I was in disbelief. I'm not a private practice owner, I'm not specialized in any area, and I didn't have my doctor of physical therapy degree. I'd been a licensed physical therapist (PT) in the state of California for 15 years with a variety of experiences in different settings, but I didn't think they would want a regular Joe Blow, run-of-the-mill PT.

Come to find out, "That's exactly what we want," said the Governor's Appointment Secretary. She asked me many questions that day, and I asked some of her; for example, "What does the Board do?" I now realize that she couldn't have fully answered that question in the short time we were on the phone. I already knew that the Board was responsible for issuing licenses, but she informed me that much of what the Board members do is review disciplinary cases that come before the Board.

Then I went to my first Board meeting. I learned there was so much more to being a Board member than I could have imagined, and yet I quickly realized those 15 years of experience in diverse settings prepared me for this position. I was prepped and am continually reminded of the Board's mandate of consumer protection. Advocating for the profession of physical therapy is not what we do when we put on our Board member hat—we are mandated to protect the public.

As a licensed Board member, I'm grateful for the opportunity to serve the consumers of California with my experiences to guide me. I'm also grateful for the balance that our Board public members bring.

The variety of their public service involvement helps give licensed members different perspectives to consider.

For many PTs, our occupation is such an integral part of who we are that it might be difficult to imagine a situation where we don't promote our profession. We PTs wear so many hats: healthcare provider, educator, administrator, wellness source, etc.; however, being a Board member isn't about what I want or what I personally think should happen with the practice of physical therapy in our state.

What I've learned as a licensed Board member is that I am encouraged to bring all that I am as a physical therapist to this position, but I am encouraged to use it to direct my best efforts

to protect our families, neighbors, and communities. I've learned that there is yet another hat that we PTs wear: advocates for the consumers of California.

If you're interested in learning more about the function of the Board, view one of the Board meeting webcasts at www.ptbc.ca.gov/about_us/meetings/index.shtml. If you're interested in becoming a Board member, apply to the Governor's Office at https://www.gov.ca.gov/s_appointmentsapplication.php.



DO WE NEED INFORMED CONSENT IN PHYSICAL THERAPY?

AN EXPERT CONSULTANT'S PERSPECTIVE

BY BRIAN COLEMAN SALGADO

Over the past several years, I have had the privilege to serve as a professor in an entry-level physical therapist (PT) education program and to teach foundations of practice, with an emphasis on best practices in documentation. During most of these same years, I have been entrusted with reviewing and writing expert opinions for the Physical Therapy Board of California (PTBC).

In particular, over the past few years, I have reviewed several cases involving complaints of sexual misconduct on the part of licensees. Some of the complaints were deemed substantiated by PTBC and others were not; but in all cases, the difficult process of assessing the practice of physical therapy, considering a need for clarity about what we do with our patients, has led me to begin to advocate for the use and documentation of informed consent on the part of patients. In reviewing these cases, studying the laws and regulations pertinent to the Physical Therapy Practice Act, and educating physical therapists, I have increasingly concluded that the processes of informed consent would enhance our profession's ability to serve at the highest levels within the changing context of physical therapy practice.

3. Obtaining the voluntary agreement of the patient to participate in the plan of care. This consent should be obtained either verbally (and documented as such) or by use of an "informed consent" form signed by the patient. Wording can be as simple as "Procedures and plan of care were explained to the patient, his or her questions were answered, and patient acknowledges understanding of, and is agreeable to, the plan of care." More elaborate or more individualized statements go even further in, not only minimizing the chances of misunderstandings, but also to increase patient participation and adherence to the plan of care.

Why should we integrate informed consent into our everyday practice?

Two concurrent, positive trends in society make the use of informed consent increasingly imperative. All healthcare, including physical therapy, is moving away from an authoritarian model toward a more collaborative approach between providers and patients.

Part of this reflects cultural shifts prompted by increasing awareness about healthy lifestyles and personal responsibility. Part may result from economic pressures on a healthcare system that gets relatively poor outcomes compared to costs. Research by Linda Resnick and Gail Jensen¹ compared the characteristics of PTs by patient outcomes. They classified PTs whose patient outcomes were in the top 10 percent of PTs as "experts" and compared them to PTs whose patients had average outcomes. Patient education was

(continued on page 15)

What is informed consent?

Informed consent is both a process and a product. It is generally considered to involve three aspects:

1. Providing information to the patient about your findings, and especially about the details of your plan of care that involve direct treatments. Explaining the procedures that you plan to do with the patient is essential, and it is incumbent to be able to assess the health literacy of each patient and adapt our communications to be effective.
2. Answering questions that the patient may have to improve his or her comprehension.

pivotal to the expert's practice, and none of the PTs who achieved average patient outcomes employed a collaborative problem-solving approach. The investigators found that PTs who attained the best outcomes had a patient-centered approach in which "patients are viewed as active participants in therapy and as partners in the therapeutic process who are responsible for making their own informed choices."

Subtle changes of language reflect this trend toward cooperative healthcare; we no longer teach that patients are "compliant" (or not!) with our plan of care, but rather "adherent" to the plan of care that was mutually agreed upon. Even PT students on their first clinical rotations recognize that the level of motivation and how much our patients "buy in" to our interventions can significantly influence patient outcomes. Across the spectrum of settings, even our most wonderful plans of care are doomed if the participation by the patient is minimal or not carried out at all by our patients.

At the same time, there is increasing awareness of issues of sexual harassment, abuse, and assault in our society. For young and old alike, the possible avenues for these behaviors is enabled by new technologies, and exposure to sexualized content is expanding at an overwhelming pace. The processing of this new reality is confusing to individuals and institutions, and the boundaries and excuses of previously unquestioned behaviors leads to confusion for individuals, professions, and institutions. Many individuals are left wondering about the appropriateness of what has happened to them, either in the distant past or during a recent encounter.

Is informed consent required by our state Practice Act?

The Physical Therapy Practice Act does not use the term "informed consent," except with reference to sexual relations with patients (wherein, it is conclusively presumed that patients are never able to give their informed consent to sexual relations with a licensed PT). The Medical Practice Act in California, however, states that informed consent shall be obtained for certain procedures. To the extent that the Business and Professions Code defines unprofessional conduct as violating the Medical Practice Act,ⁱⁱ I have heard it argued from a Deputy Attorney General that prosecutors could substantiate a charge of unprofessional conduct when PTs fail to obtain informed consent.

From an ethical and professional perspective, informed consent is considered a best practice. The *APTA Guide for Professional Conduct* states that "Physical therapists shall provide the information necessary to allow patients or their surrogates to make informed decisions about physical therapy care or participation in clinical research."ⁱⁱⁱ The failure to use informed consent processes in everyday practice, from a best-practice perspective, makes us vulnerable in our everyday practice to misunderstandings that can lead to complaints, less effective treatments, and a diminished professional reputation. It is time to take the opportunity to be explicit about which procedures in physical therapy practice would elevate our professional practice and benefit and empower our patients.

What to do?

I believe we should amend the California Code of Regulations to simply require the informed consent process be used throughout PT practice, and I urge the Board to implement the actions needed to write such language. I recommend that all PTs routinely use the informed consent process, even without being required explicitly in the Physical Therapy Practice Act. All PTs and physical therapist assistants (PTAs) should protect themselves and their patients by minimizing the chances for misunderstandings that can lead to patient unease and uncertainty, diminished trust and suspicions of sexual misconduct—whether or not these lead to complaints. I have seen the incredibly painful ordeal for both patients and PTs enduring suspicions of sexual misconduct. Based on my experiences in these cases, I have formulated additional recommendations that the informed consent process be explicit in certain contexts:

- Refrain from any sexual joking/referencing with patients or coworkers. One can never anticipate the impact of such joking on others and, in the eyes of sexual harassment law, the **impact** of your behavior is what matters. The **intent** of your actions ("I was just joking to help loosen up an awkward situation") is considered irrelevant.
- Explain and document the rationale for all treatments involving physical touching or viewing near, or in the urogenital triangle or anal triangle, and near or touching the breast or areolae of the nipples. If you anticipate that inadvertent touching or viewing may occur during the course of a treatment (e.g., your forearm brushes against an area when palpating

(continued on page 16)

other structures), then be explicit about that possibility and apologize when you become aware that it occurred.

- As able, given busy clinics and availability of staff, have a third person present and/or treat in a more public area (if appropriate) for any treatments that involve contact of or near sensitive areas.
- Fully explain, answer questions, and document explicitly the informed consent by the patient. Although not always true in all cases, the assumption in any investigation of documentation is that “if you did not document it, you did not do it.”

Let’s bring our professional practice into the future of collaborative patient care by making informed consent an integral part of our daily practice. It will improve our patient outcomes and minimize confusion and unease in our very “hands-on” profession.

ⁱ Resnick, Linda, Jensen, Gail. Using clinical outcomes to explore the theory of expert practice in physical therapy. *Phys Ther.* 2003; 83(12), 1090–1106

ⁱⁱ Business and Professions Code section 2660(a).

ⁱⁱⁱ American Physical Therapy Association, Ethics and Judicial Committee, APTA *Guide for Professional Conduct*, 2010, Principle 2C. at www.apta.org/uploadedFiles/APTAorg/Practice_and_Patient_Care/Ethics/GuideforProfessionalConduct.pdf. Accessed 9/18/17.

LAWS AND REGULATIONS UPDATE



The following amendments apply to the Business and Professions Code, Division 2, Healing Arts, Chapter 5.7, Physical Therapy.

Laws

SB 800 (Committee on Business, Professions and Economic Development) Chapter 426, Statutes of 2015, effective January 1, 2016.

This bill amended Business and Professions Code (BPC) section 2650 to repeal the 18-week clinical experience requirement for physical therapist assistant (PTA)

programs. Senate Bill (SB) 198 (Lieu, 2013) amended BPC section 2650 to include both physical therapist (PT) and PTA education requirements. SB 198 amended BPC section 2650 with the intent to conform the PTA education requirements language to the PT education requirements language, as appropriate. However, a provision was

(continued on page 17)

unintentionally added to subdivision (b)(2) requiring PTA education programs to include at least 18 weeks of full-time clinical experience; however, PTA education programs may not necessarily include 18 weeks of full-time clinical experience.

AB 1706 (Committee on Business, Professions and Economic Development) Chapter 454, Statutes of 2017, effective January 1, 2018.

This bill amends BPC section 2602 by extending the operation of the Physical Therapy Board of California (PTBC) and PTBC's authority to appoint an executive officer until January 1, 2022 (BPC section 2607.5). Further, it specifies that money in the Physical Therapy Fund is available only upon appropriation by the Legislature (BPC section 2682). It repeals BPC section 2648.7 as of January 1, 2019, affording PTBC's retired license authority to rely on BPC section 484 and amends BPC section 2653 (b) to exempt an applicant from the requirement to achieve a Board-specified score on the Test of English as a Foreign Language (TOEFL) if the applicant has been awarded a bachelor's degree or higher in a PT educational program from a college, university, or professional training school in Australia, any part of Canada other than Quebec, Ireland,



New Zealand, the United Kingdom, the United States, or another English-speaking country specified by PTBC. Lastly, it deletes a restriction under BPC section 2688.5 on PTBC's use of fees and deletes a requirement under current law for PTBC to report to Legislature every time fees are increased, and corrects an incorrect cross-reference in the Physical Therapy Practice Act.

The sunset review process provides a formal opportunity and mechanism for the Department of Consumer Affairs (DCA), the Legislature, boards, and interested parties to discuss the performance of the boards and make recommendations for improvements. This review is performed on a four-year cycle.

Specific statutory language can be found at www.leginfo.ca.gov.

Regulations

The following additions or modifications are to Title 16, Division 13.2, of the California Code of Regulations.

Fees: Adds sections 1399.50 and 1399.52, effective December 23, 2016.

Increased application, initial license, and biennial renewal fees related to PTs and PTAs.

Credential Evaluation Service: Modifies section 1398.25, effective July 1, 2017.

Requires the Credential Evaluation Services report whether the foreign applicant demonstrated English proficiency in accordance with section 1398.26.3.

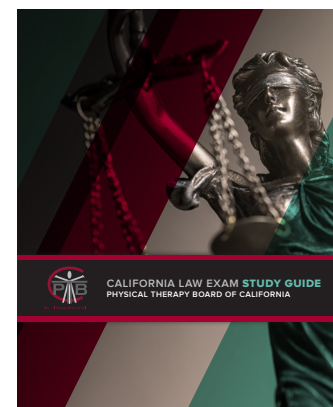
English Proficiency: Adds section 1398.26.3, effective July 1, 2017.

Sets a minimum passing score on the TOEFL for applicants who have graduated from a PT education program that

is not approved by the Board and is not located within the United States. In addition, this regulation requires that the passing score be achieved within a single administration.

Specific regulatory language can be found at www.oal.ca.gov.

Click below to download the PTBC publication [*California Laws and Regulations Related to the Practice of Physical Therapy*](#).



www.ptbc.ca.gov/forms/law_reference_guide.pdf

ADMINISTRATIVE ACTIONS



The Physical Therapy Board of California (Board) regulates the profession of physical therapy through the enforcement of the Physical Therapy Practice Act (Act). The following summary indicates administrative actions taken by the Board from April 2017–September 2017 against licensees for violations of the Act.

Although every effort is made to ensure the following details are correct, before you make any decision based on this information, obtain a copy of the action in its entirety, including terms and conditions. You can download the copy through the Department of Consumer Affairs' online DCA License Search tool at <https://search.dca.ca.gov>.

NAME AND CITY	LICENSE NUMBER	ACTION	EFFECTIVE DATE	ALLEGED VIOLATIONS
Walker, James Dale Salem, OR	PTA 5247	Voluntary surrender of license	4/22/2017	Conviction of a crime substantially related to the qualifications, functions, and/or duties of a physical therapist; use of dangerous drug in a manner dangerous to himself or others.

ADMINISTRATIVE ACTIONS

NAME AND CITY	LICENSE NUMBER	ACTION	EFFECTIVE DATE	ALLEGED VIOLATIONS
Legaspi, Eddieson <i>Lomita, CA</i>	PT 32719	Revoked	4/24/2017	Conviction of a crime substantially related to the qualifications, functions, and/or duties of a physical therapist; fraud.
Boyd, Kevin Edward <i>Truckee, CA</i>	AT 9002	Revoked	5/18/2017	Failed to comply with terms and conditions of probation; conviction of a crime substantially related to the qualifications, functions, and/or duties of a physical therapist assistant; unprofessional conduct; failed to notify the Board of his arrests and convictions; failed to participate in Board's investigation.
David, Christopher P. <i>Carson, CA</i>	PT 42170	Revoked, stayed, 3 years' probation	6/12/2017	Conviction of a crime substantially related to the qualifications, functions, and/or duties of a physical therapist; use of alcoholic beverages to the extent, or in such manner, as to be dangerous and injurious to himself, or to any other person or to the public; failed to notify the Board of his arrest and conviction.
Hickey, Sean Michael <i>San Diego, CA</i>	PT 39392	Voluntary surrender of license	6/16/2017	Failed to comply with terms and conditions of probation; conviction of a crime substantially related to the qualifications, functions, and/or duties of a physical therapist; use of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to himself, or another person or the public; failed to notify Board of arrest and conviction; failed to cooperate with the Board's investigation.

ADMINISTRATIVE ACTIONS

NAME AND CITY	LICENSE NUMBER	ACTION	EFFECTIVE DATE	ALLEGED VIOLATIONS
Ibrahim, Mohammed <i>Chino Hills, CA</i>	PT 16742	Public letter of reprimand	6/22/2017	Aiding and abetting the unlicensed practice of physical therapy; failed to adequately and accurately document care provided.
Milanese, Kristina E. <i>Elk Grove, CA</i>	PT 32306	Public letter of reprimand	6/26/2017	Unprofessional conduct; aiding and abetting the unlicensed practice of physical therapy; failed to adequately and accurately document care provided.
Hicks, Kathleen Peck <i>Citrus Heights, CA</i>	PT 35557	Public letter of reprimand	6/26/2017	Unprofessional conduct; aiding and abetting the unlicensed practice of physical therapy; failed to adequately and accurately document care provided.
Riley, Timothy Patrick <i>San Diego, CA</i>	PTA 48065	Revoked, stayed, 5 years' probation, or for such period as is necessary to complete the Board's substance abuse rehabilitation program	6/26/2017	Conviction of a crime substantially related to the qualifications, functions, or duties of a physical therapist assistant; use of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to herself, another person, or the public; committed a violation or violations of a provision or provisions of the Physical Therapy Practice Act.
Heffel, James Jensen <i>Fontana, CA</i>	PTA 10625	Revoked, stayed, 5 years' probation, or completion of rehabilitation program	7/10/2017	Conviction of a crime substantially related to the qualifications, functions, or duties of a physical therapist assistant; use of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to herself, another person, or the public; committed a violation or violations of a provision or provisions of the Physical Therapy Practice Act; violated a provision or provisions of the Medical Practice Act.
Stone, Amy Lynn <i>Yuba City, CA</i>	PT 32442	Revoked	7/10/2017	Failed to comply with terms and conditions of probation; use of controlled substance.

ADMINISTRATIVE ACTIONS

NAME AND CITY	LICENSE NUMBER	ACTION	EFFECTIVE DATE	ALLEGED VIOLATIONS
Estoesta, Cheryl C., San Francisco, CA	PT 37723	Revoked, stayed, 5 years' probation	7/13/2017	Negligence.
Sales, Joseff Buena Park, CA	PT 27499	Voluntary surrender of license	7/24/2017	Conviction of crimes substantially related to the qualifications, functions, or duties of a physical therapist; committed fraudulent, dishonest, or corrupt acts substantially related to the qualifications, functions, or duties of a physical therapist; unprofessional conduct.
Goyena, Dannel E. Whittier, CA	PTA 8938	Voluntary surrender of license	7/24/2017	Conviction of crimes substantially related to the qualifications, functions, or duties of a physical therapist assistant; committed fraudulent, dishonest, or corrupt acts substantially related to the qualifications, functions, or duties of a physical therapist assistant; unprofessional conduct.
Bailey, David Timothy El Cajon, CA	PT 36823	Revoked, stayed, 3 years' probation	7/31/2017	Committed an act or acts of sexual abuse, misconduct, or relations with a patient; grossly negligent in the practice or in the delivery of physical therapy care to a patient; engaged in repeated acts of negligence in the practice or in the delivery of physical therapy care to a patient; failed to maintain adequate and accurate records relating to the provision of physical therapy services to a patient; committed fraudulent, dishonest, or corrupt acts substantially related to the qualifications, functions, or duties of a physical therapist; violated, or attempted to violate, directly or indirectly, or conspired to violate any provision or term of the Physical Therapy Practice Act.

ADMINISTRATIVE ACTIONS

NAME AND CITY	LICENSE NUMBER	ACTION	EFFECTIVE DATE	ALLEGED VIOLATIONS
Carrera, Carlos A. Downey, CA	PT 18687	Revoked, stayed, 3 years' probation	9/13/2017	Unprofessional conduct; aiding and abetting another person to engage in the unlawful practice of physical therapy; committed a fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist; violated or attempted to violate a provision of the Medical Practice Act.
Luis, Alexander A. Tracy, CA	PTA 10856	Revoked, stayed, 5 years' probation	9/25/2017	Convicted of a crime substantially related to the qualifications, functions, or duties of a physical therapist assistant; used controlled substances, to the extent, or in such a manner as to be dangerous or injurious to another person or the public; convicted of a felony involving the use of controlled substances; violated a provision or provisions of the Physical Therapy Practice Act; violated a provision or provisions of the Medical Practice Act.
Spina, Charles Todd Fresno, CA	PT 15431	Revoked	9/27/2017	Impairment affecting his competency to practice physical therapy.

BUDGET HIGHLIGHTS

The Physical Therapy Board of California (PTBC/ Board) licenses and regulates physical therapists, physical therapist assistants, and the practice of electroneuromyography and kinesiological electromyography performed by physical therapists.

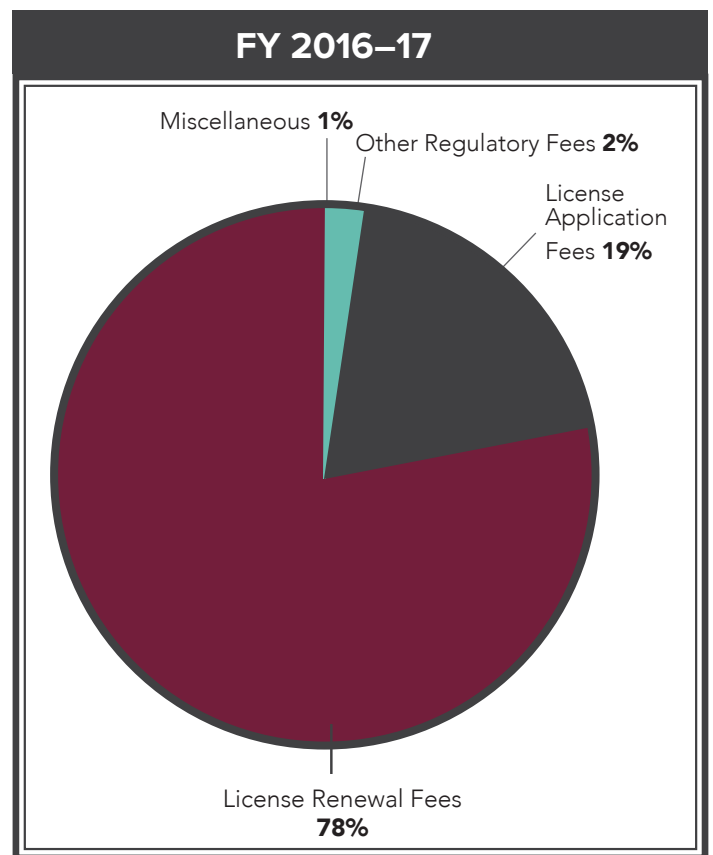
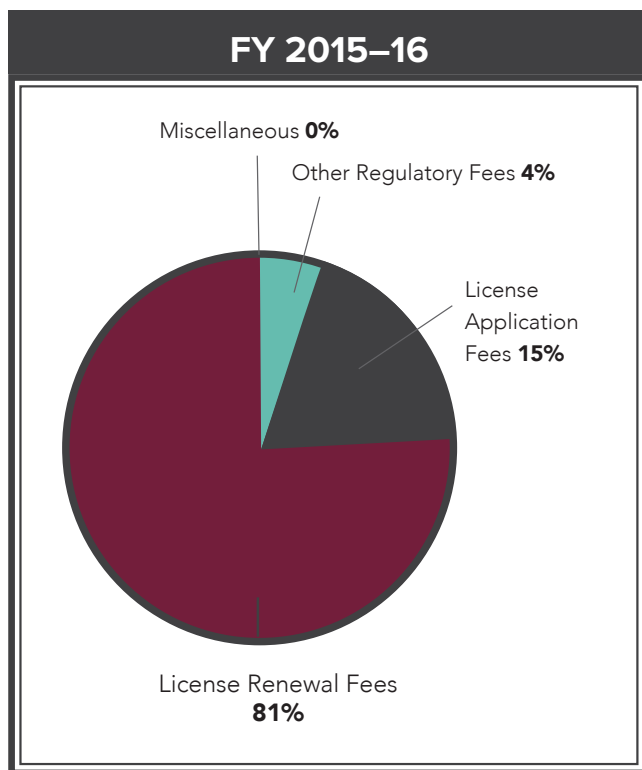
The PTBC—a Special Fund Revenue within the State Treasury—is made up of all monies collected from

applicants and licensees through licensing, renewal, endorsements (license verifications), and administrative actions (citations, cost recovery, and probation monitoring). PTBC's funds are reserved to pay for all salaries and other operating expenses, and its budget is developed annually and is subject to legislative approval.

BUDGET HIGHLIGHTS

REVENUES	FY 2015–16 (ACTUAL)	PERCENTAGE	FY 2016–17 (ACTUAL)	PERCENTAGE
License renewal fees	\$2,952,032	81%	\$4,359,015	78%
License application fees	\$561,114	15%	\$1,056,299	19w%
Other regulatory fees	\$139,781	4%	\$102,050	2%
Miscellaneous	\$14,873	0%	\$36,225	1%
Total Revenue (year end)	\$3,667,800		\$5,554,589	

Represents a 51 percent increase in revenues.



Effective, January 1, 2016 (Fiscal Year [FY] 2015–16), licensing fees were increased to afford operating costs. Prior to this increase, the last time the Board increased fees was in 2009.

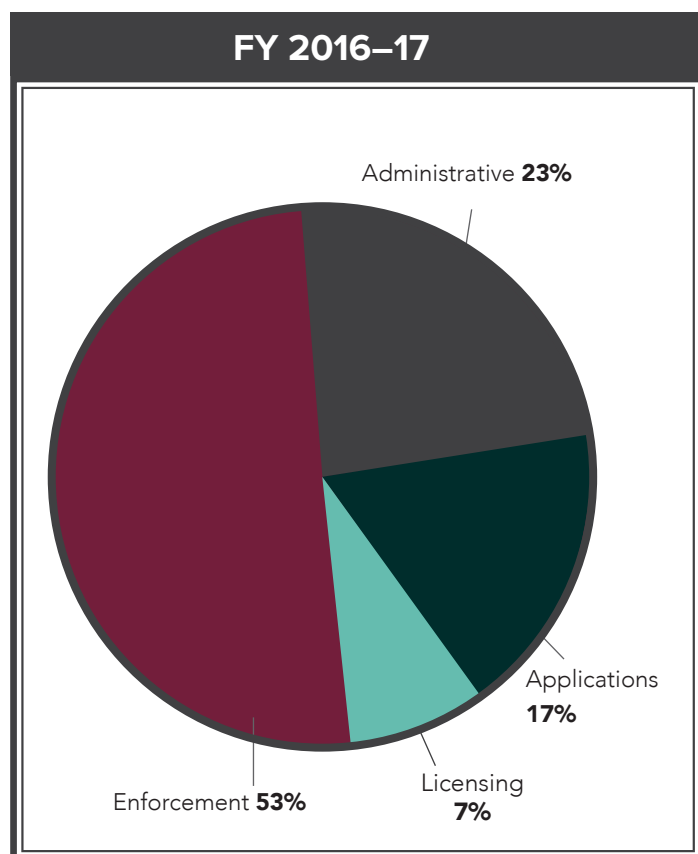
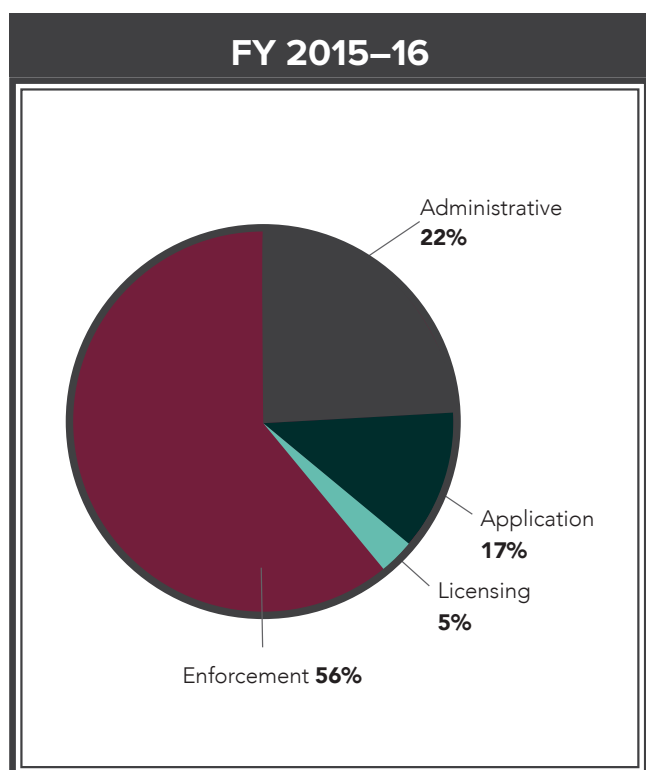
Information regarding the current fee schedule is available on the Board's website at www.ptbc.ca.gov.

BUDGET HIGHLIGHTS

EXPENDITURES	FY 2015–16 (ACTUAL)	PERCENTAGE	FY 2016–17 (ACTUAL)	PERCENTAGE
Enforcement	\$2,306,726	56%	\$2,273,373	53%
Administrative	\$927,378	22%	\$989,967	23%
Applications	\$682,737	17%	\$722,149	17%
Licensing	\$198,313	5%	\$319,450	7%
Total Expenditure (year end)	\$4,115,154		\$4,304,939	
Authorized Budget	\$4,227,000		\$5,176,000	

Represents a 41 percent increase in fund revenues.

Effective, July 1, 2016 (FY 2016–17), PTBC's staffing was increased by three positions to support the workload within application and licensing services.



Around the Corner: Fiscal Year 2017–18

The Board will continue its efforts to improve program efficiencies by:

- Reducing expenditures in other program areas and obtaining temporary help (limited-term or intermittent) using those resources.
- Monitoring and assessing workload and redirecting resources to address deficient areas on a rotational basis.
- Submitting a budget change proposal for FY 2019–20.